EXECUTIVE NOTE

THE NATIONAL HEALTH SERVICE (TRIBUNAL) (SCOTLAND) AMENDMENT REGULATIONS 2010

SSI 2010/227

The above instrument was made in exercise of the powers conferred by sections 29(4), 29A(5), 32, 32C(2), 105(7), 106(a) and 108(1) of the National Health Service (Scotland) Act 1978. The instrument is subject to negative resolution procedure.

Background

The NHS Tribunal inquires into representations about persons included or applying to be included on family health service lists held by NHS Boards. The sanctions available to the Tribunal are conditional or unconditional national disqualification from family health service lists. Under the National Health Service (General Dental Services) (Scotland) Regulations 2010 (S.S.I. 2010/208), dentists who assist with general dental service provision and dental bodies corporate undertaking to provide general dental services will join dental lists (which are a type of family health service list) held by Health Boards for the first time.

Policy Objectives

This is a consequential amending instrument whose main purpose is to extend the Tribunal's jurisdiction to assistant dentists and dental bodies corporate. The opportunity is also being taken to make a small procedural change. The Clerk to the NHS Tribunal has requested that the National Health Service (Tribunal) (Scotland) Regulations 2004 be amended to require 5, rather than 2, copies of written material (the representations from the referring Health Board and the statement in answer/supporting documents from the practitioner subject to the Tribunal referral) to be sent to the Clerk when considering a case, to ease the administrative burden upon the Tribunal. The Scottish Ministers have, after consideration of this request, agreed that such an amendment should be made.

Consultation

Copies of the draft Regulations were sent to the statutory consultee, the Scottish Committee of the Administrative Justice and Tribunals Council, to the Chair, Deputy Chair, Clerk and Deputy Clerk of the NHS Tribunal, to the British Dental Association Scotland and, in respect of the minor change to the number of copies of written material, to Optometry Scotland, Community Pharmacy Scotland and the Scottish General Practitioners' Committee.

Financial Effects

There are only around 200 assistant dentists in Scotland and we are aware of only a small number of dental bodies corporate who wish to provide general dental services. Referrals to the NHS Tribunal are a rare event and it is not expected that this will change with this extension of jurisdiction. Financial effects on the Scottish Government and Health Boards will therefore be minimal.

SCOTTISH GOVERNMENT HEALTH DIRECTORATES
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